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09/995,634	11/29/2001	Benjamin V. Smith	20009.0025US01	1657

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EXAMINER

LE, KAREN L

ART UNIT PAPER NUMBER

2614

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,634

Applicant(s)

SMITH, BENJAMIN V.

Examiner

Karen L. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-33 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-33 and 36-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Applicant's amendment filed on June 20, 2006 has been entered. Claims 31, 33, 36 and 41 have been amended. Claims 1-30 and 34-35 have been cancelled. Claim 42 has been added. Claims 31-33 and 36-42 are still pending in this application, with claims 31, 33, 36, 39, 41 and 42 being independent. This action is made final.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31-33 and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masek (U. S. 5,272,749) in view of Riskin (U.S. 4,757,267) and further in view of Greenberg et al. (US 2001/0038624).

Regarding claims 31, 33, 36 and 39-41 Masek teaches a method for providing subscription code services in a geographical area (col. 3, lines 44-47), the method comprising:

Allocating a plurality of subscription codes (Col. 2, lines 32-40, ex. 511-CAR CITY, Col. 12, lines 3-9, ex. AEX#) for the services; provisioning a trigger at each of at least one switch within the geographical area, wherein the trigger is adapted to detect calls initiated by one or more callers using one of the subscription codes (Col. 3, lines 65-68 and col. 4, lines 1-4); querying a controller for call routing instructions when a call initiated by a caller using a subscription code is detected at a switch (Col. 4, lines 8-9); wherein the telephone number is substantially permanently assigned to the subscription code (Col. 15, lines 22-25), and terminating the call using the retrieved the telephone number (col. 3, lines 35-55. Presenting to the caller a list of subscribers associated with the subscription code, receiving one telephone number corresponding to a subscriber that has been chosen by the caller from the list (Col. 19, lines 64 – Col. 20, lines 70). Masek does not teaches determining an originating region from which the call was initiated; retrieving a telephone number from a table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code, the time of day when the call was initiated such that the telephone number retrieved is different at the time of day than it is at a second time of day, and the originating region determined for the call. However, Riskin teaches determining an originating region from which the call was initiated; retrieving a telephone number from a table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code and the originating region determined for the call (Abstract, lines 1-10). Riskin teaches a comparison is performed

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between the telephone number of the potential customer and the data in the file to find 1-3 selected dealers nearby to the potential customer. The system then automatically dials the telephone number of the closest dealer thereby routing the potential customer directly to a nearby dealer who can provide the products to that customer. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Riskin's feature to Masek's system in order to retrieve a telephone number from a table containing associations of the subscription code to multiple telephone numbers (Riskin provides up to 3 selected dealer nearby to the potential customer) corresponding to different originating regions based at least in part on the subscription code. Identifying the originating region of the caller and provide telephone numbers of local subscribers are old and popular in telecommunication field. Riskin is the second reference and it does not have to be bodily incorporate in the primary reference.

Masek does not teach the telephone number retrieved is different at the time of day than it is at a second time of day. However, Greenberg teaches the telephone number retrieved is different at the time of day than it is at a second time of day (see paragraph 0066, page 8). Greenberg teaches a consumer calls at 7PM and the merchant's east coast call center is closed but the west coast is still open, a telephone number for the west coast call center will be selected instead of a telephone number for the east coast call center. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Greenberg's feature into

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Masek feature to retrieved different telephone at different time of day. Retrieve different telephone number at different time of day is very popular in telecommunication system.

Masek teaches the subscription code is associated with two or more different subscribers (Col. 19, lines 64-68 and Col. 20, lines 1-2). Masek does not teach base on the time of day such that a subscriber associated with the telephone number retrieved at the second time of day is different from the subscriber associated with the telephone number retrieved at the time of day when the call was initiated. However, Greenberg teaches connecting customer to different call centers base on time of day.

Connecting different called centers or different subscribers are just database matter.

The phone numbers of call centers can be substituted by phone numbers of subscribers in a database that base on time of day. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Greenberg's feature to Masek's system in order to have the subscription code associated with two or more different subscribers base on the time of day. Also, there are many databases in communication system contain many carriers (many subscribers). The computer is programmed to select a carrier providing the best (lowest) rate for the particular time of placement for the dialed call. The processor then appends the access code of the selected carrier to the dialed telephone number, and the number is fed into the telephone communication line for placement with the selected carrier.

Regarding claim 32, Masek further teaches wherein the originating region is determined based on one or more of an NPA-NXX designation, an originating point code, and a zip code associated with the caller (Col. 2, lines 1-6).

Regarding claim 37-38, Masek does not teach the presenting step involves a prerecorded announcement. The presenting and receiving steps are performed by one or both of a service node and the switch. However, Riskin teaches presenting step involves a prerecorded announcement. The presenting and receiving steps are performed by one or both of a service node and the switch (Col. 15, lines 7-19). Riskin teaches a feature providing text to speech announcements. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masek's system with Riskin's feature to present step involves a prerecorded announcement. It is old and well known in telecommunication system.

Response to Arguments

4. Applicant's arguments filed 6/30/06 have been fully considered but they are not persuasive.

Applicant mainly argued that the subscription code is associated with two or more different subscribers based on the time of day such that a subscriber associated with the telephone number retrieved at the second time of day is different from the subscriber associated with the telephone number retrieved at the time of day when the call was initiated. Examiner respectfully disagrees for the following reasons: Masek

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teaches the subscription code is associated with two or more different subscribers (Col. 19, lines 64-68 and Col. 20, lines 1-2). Masek does not teach base on the time of day such that a subscriber associated with the telephone number retrieved at the second time of day is different from the subscriber associated with the telephone number retrieved at the time of day when the call was initiated. However, Greenberg teaches connecting customer to different call centers base on time of day.

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For the above reason, Masek and Greenberg are maintained for supporting the enclosed Examiner's final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WING CHAN
SUPERVISORY PATENT EXAMINER

Karen le
KLL

September 18, 2006